

**ANTI-MONEY LAUNDERING/COUNTER FINANCING OF TERRORISM /COUNTER
PROLIFERATION FINANCING IN FOCUS**

Part Five:

**An In-depth Look at the Financial Action Task Force (FATF) Forty Recommendations-
Recommendation 3- Money Laundering Offence**

**By: The Attorney General's Chambers
and the National Anti-Money Laundering Oversight Committee**

Recommendation 3 of the Financial Action Task Force's (FATF) Forty Recommendations deals with "**Money Laundering Offence**". This Recommendation is exclusive to the offence of money laundering and gives specific and detailed guidelines of how countries should treat with this problem.

Recommendation 3 requires countries to make money laundering a criminal offence. This is based on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 popularly known as the Vienna Convention and the United Nations Convention against Transnational Organized Crime, 2000 commonly called the Palermo Convention.

Additionally, the crime of money laundering should be applied to all serious offences, capturing a wide range of offences called predicate offences. These are offences that precede the act of laundering money, but they are invariably linked. For example, drug trafficking in itself is not money laundering, but the act of 'washing' the proceeds of drug trafficking, whether by investing such funds, purchasing real estate or depositing these funds to make them appear legitimate is laundering. This predicate offence of drug trafficking is therefore connected to the act of money laundering.

Saint Lucia sees the importance of the fight against money laundering, terrorist financing and financing of the proliferation of weapons of mass destruction and as such is a signatory to both the Vienna and Palermo Conventions. Consequently, money laundering is a criminal offence in Saint Lucia as is stated in the Money Laundering Prevention Act. This Act gives clear guidelines of what constitutes the offence of money laundering. For example, any person, or body of persons who tries to conceal or transfer proceeds of criminal conduct, arranges with another individual or individuals to retain the proceeds of criminal conduct or acquires, possesses or uses proceeds from criminal conduct engages in an offence and can face fines ranging from one million to two million dollars or imprisonment of five to fifteen years.

Further Saint Lucia has adopted an all crimes approach to money laundering, which means that any offence whether summary or indictable is a predicate offence. In other words all crimes are predicate offences for money laundering. We have adopted the highest standard.

During the 4th Round Mutual Evaluation Process an examination will be done of the Money Laundering Prevention Act to ascertain whether the Act is wide ranging to cover the many facets of money laundering. We will then be rated on our compliance to this Recommendation.

As preparations continue by the National Anti-Money Laundering Oversight Committee (NAMLOC) for the evaluation, Saint Lucians are encouraged to familiarize themselves with the Money Laundering Prevention Act. This act is available online and provides clear instructions to business and individuals. Knowledge is power.